



2-12-07

Tfe

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/787,009

Filing Date February 25, 2004

First Named Inventor Ljubomir FRANCUSKI et al.

Art Unit 2627

Examiner Name Heinz, Allen

Attorney Docket Number 057517/0041

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Copy of 11/14/06 Response; Copy of Proposed Language from Examiner; Copy of Applicant's Proposed Changes to Examiner's Proposed Language; postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SCHULTE ROTH & ZABEL, LLP		
Signature			
Printed name	John C. Gardes		
Date	February 9, 2007	Reg. No.	40,616

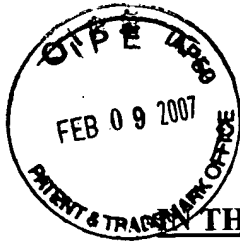
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Roxanne Garcia
Date	February 9, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/787,009 Confirmation No. 3942
Applicant : Ljubomir FRANCUSKI et al.
Filed : February 25, 2004
Art Unit : 2627
Examiner : Heinz, Allen J.
Title : SPINDLE MOTOR WITH A WELDED
DISC CLAMP CENTERING TUBE

Docket No. : 057517/0041
Customer No. : 29619

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANCE
DATED JANUARY 9, 2007

Sir:

This paper is in response to the Notice of Non-Compliance dated January 9, 2007, on which the shortened statutory period for response expires on February 9, 2007. Accordingly, this response is timely filed.

In response to the Notice of Non-Compliance dated January 9, 2007, Applicants resubmit their response dated November 14, 2006, in its entirety (copy attached).

By way of background, Examiner Heinz contacted Applicants' counsel to propose amended claim language to place the application in condition for allowance. A copy of the proposed language received from Examiner Heinz is attached.

After receiving the Examiner's proposed claim language, and following a telephone conference between Examiner Heinz and Applicants' counsel, Applicants' counsel faxed to Examiner Heinz, at his request, Applicants' proposed changes to Examiner's proposed language. (Copy attached.)

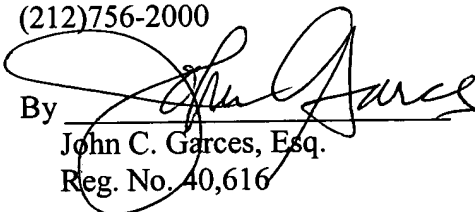
Applicant's counsel understands that the Office incorrectly treated Applicants' informal comments to Examiner's proposed claim language as a formal response. As a result, the Patent Office issued the January 9, 2007 Notice of Non-Compliant Amendment. In response, Applicants withdraw their prior informal communication with Examiner Heinz and stand on their November 14, 2006 Response, which is attached.

Any subsequent action by the Examiner should be based on that Response.

The Examiner is urged to telephone Applicants' undersigned counsel if it will advance the prosecution of this application. The Patent and Trademark Office is authorized to charge any fees required for the entry of this Response, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 50-0675, Order No. 057517/0041. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorneys for Applicants
919 Third Avenue
New York, NY 10022
(212)756-2000

By 
John C. Garces, Esq.
Reg. No. 40,616

Dated: February 9, 2007
New York, New York

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name: Roxanne Garcia

Signature: 

Dated: February 9, 2007